

10 allowing the first DNA fragment to be expressed in the cell; whereby  
11 the chimeric gene can be expressed in the cell as an insect controlling  
12 amount of an insecticidal *Bacillus thuringiensis* polypeptide toxin with  
13 toxicity to Lepidoptera insects.

1 63. The cell of claim 61 wherein the first DNA fragment encodes a shortened  
2 portion of a 130 kD crystal protein of *Bacillus thuringiensis* kurstaki.

1 64. The cell of claim 62 wherein the first DNA fragment encodes a shortened  
2 portion of a 130 kD crystal protein of *Bacillus thuringiensis* kurstaki.

1 65. The plant cell of claim 59 wherein said shortened *Bacillus thuringiensis*  
2 gene encodes the approximately 607 amino acids for the N-terminus of an  
3 approximately 130 kD *Bacillus thuringiensis* insecticidal crystal protein.

1 66. The plant cell of claim 60 wherein said shortened *Bacillus thuringiensis*  
2 gene encodes the approximately 607 amino acids for the N-terminus of an  
3 approximately 130 kD *Bacillus thuringiensis* insecticidal crystal protein.

1 67. The plant cell of claim 65 wherein said cell is a tomato cell.

#### Remarks

New claim 57 is presented pursuant to 37 CFR 1.605 at the suggestion of the Examiner, conveyed in the Examiner's Office Action dated August 26, 1993, and also conveyed in Examiner's communication dated September 3, 1993. New claims 58-67 are presented pursuant to 37 CFR 1.115 and supplement the amendment filed herein on October 22, 1993.

The Commissioner is hereby authorized to change any fees under 37 CFR 1.16 or 1.17 as required by this paper to Deposit Account 19-0065.

Applicants invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



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